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September 4, 2018

Hon. Paul G. Gardephe  
United States District Judge  
Foley Square  
New York, New York 10007

Re: **United States v. Borker**, 17 CR 391 (PGG)

Dear Judge Gardephe:

This letter is respectfully submitted to request that the Court expedite the disposition of pending issues related to Mr. Borker's sentencing which would permit him to be sentenced. It has now over two months since the parties completed their submissions in respect to the Fatico Hearing which concluded on May 31, 2018.

Defendant is currently serving, in the MDC, a two-year sentence imposed by Judge Sullivan for a violation of the conditions of supervised release relating to his earlier conviction. This sentence began on June 5, 2017 and is scheduled to end in February 2019, which assumes good time credit of approximately 100 days. Defendant is also eligible for half-way house of up to 6-months or up to 10% of his sentence if he were serving this sentence in a correctional institution designated

by the BOP. This suggests that Defendant's termination date on his incarceration could be this November.

Defendant has not been designated to an institution on the two-year sentence because of the pending case before Your Honor which requires his presence nearby. He is in what is called "pre-trial status" at the MDC. This is one of the reasons that I request that the case before Your Honor be expedited. Once Defendant is sentenced, he will be designated by the BOP to an institution to serve his two-year sentence, and therefore be in a position to apply for a half-way house.

Further, the MDC is a maximum-security institution. It is probably, if not certain, that if Defendant were designated to another institution it would be to a minimum-security institution. This would be less onerous for Defendant and for his family.

I am certainly mindful that Defendant is exposed to another sentence in this case. However, defendant's sentence is uncertain at this point. But even if the sentence here extends his period of imprisonment, and of course Defendant has made arguments against it, he still should be sentenced quickly as this would trigger a designation to a minimum-security institution.

I therefore request that the pending issues be decided on an expedited basis and that Defendant's sentence be scheduled.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_

Dominic F. Amorosa